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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,046	12/29/2000	John Elmore Schier	062891.0489	9011
7590	12/02/2004		EXAMINER	
Barton E. Showalter Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,046	SCHIER, JOHN ELMORE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher A. Revak	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 27 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 10-19 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10-13, 15-19 and 25-37 is/are rejected.
- 7) Claim(s) 14 and 16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments with respect to claims 10-19, 25-30, and 34-37 have been considered but are moot in view of the new ground(s) of rejection.
2. In respect to the applicant's invoking of 35 U.S.C. 112 6<sup>th</sup> paragraph, the examiner's acknowledges that the applicant has invoked 35 U.S.C. 112 6<sup>th</sup> paragraph in regards to claims 31-33. The claims recite of means plus function language, however it is unclear to the examiner where the corresponding structure is disclosed in the specification. The examiner is maintaining the previous art rejection in regards to Ketcham.

***Claim Objections***

3. Claim 16 is objected to because of the following informalities: On line 4, it is recited of "the function" which is a lack of antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C.
5. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before

the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 10-12, 15-19, 25-29, and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Dancs et al, U.S. Patent 6,112,305.

As per claims 10, 25, and 34, the teachings of Dancs et al disclose of a method, and medium including encoded logic for processing electronic communications (emails)(col. 21, lines 58-60 and col. 22, lines 54-60). The user requests to establish a communication session for utilizing electronic communications (emails)(col. 4, lines 48-63 and col. 7, lines 15-33) and it is interpreted by the examiner that the user has the ability to send requests, or any other type of message processing, once they have been granted the right to do so. Determinations are made if smart card (input device) is operably coupled to the system and if an enterprise ID (identification key), that is associated with the smart card (input device), wherein the enterprise ID (identification key) uniquely identifies the smart card (input device) (col. 2, lines 24-35; col. 3, line 65 through col. 4, line 3; col. 4, lines 48-63; col. 7, lines 15-33; and col. 8, lines 28-30). The electronic communication (email) is processed upon validation of the enterprise ID (identification key)(col. 3, line 65 through col. 4, line 3 and col. 9, line 64 through col. 10, line 22).

As per claim 11, Dancs et al disclose of accessing a portion of memory to determine the enterprise ID (identification key), receiving the enterprise ID (identification key) from the smart card (input device), and comparing the

received enterprise ID (identification key) to the stored enterprise ID (identification key) to determine if input is valid (col. 7, lines 15-33).

As per claim 12, it is disclosed by Dancs et al of receiving a request via a port operably associated with the smart card (input device), receiving the enterprise ID (identification key) from the input device, and verifying the request and the enterprise ID (identification key)(col. 4, lines 48-63 and col. 7, lines 15-33).

As per claim 15, Dancs et al teaches of determining an enterprise ID (identification key) for the smart card (input device) and storing the enterprise ID (identification key) within a memory associated with the smart card (input device)(col. 7, lines 15-33).

As per claim 16, it is disclosed by Dancs et al of determining if an electronic communication is associated with an input device and associating a function with buttons associated with the input device (col. 4, lines 48-63 and col. 7, lines 15-33).

As per claim 17, it is taught by Dancs et al of receiving input from a user to select a function button (col. 4, lines 48-63 and col. 7, lines 15-33).

As per claim 18, Dancs et al disclose of displaying a function button with a user interface associated with the input device (col. 4, lines 48-63 and col. 7, lines 15-33).

As per claim 19, Dancs et al teaches of encrypting a device identifier within the electronic communication that is associated with the input device (col. 9, lines 64-67 and col. 20, lines 28-37).

As per claims 26 and 35, it is disclosed by Dancs et al of determining a function button operably associated with the input device and receiving input to process an electronic communication (email) via a user selecting the function button (col. 4, lines 48-63 and col. 7, lines 15-33).

As per claims 27 and 36, Dancs et al teach of receiving input from the input device to process an electronic communication (email), verifying that the input device is valid, and processing the electronic communication (email) based on the verification (col. 4, lines 48-63 and col. 7, lines 15-33).

As per claims 28 and 37, Dancs et al discloses of processing an electronic communication (email) using a function associated with the requested process upon the input device being valid (col. 3, line 65 through col. 4, line 3 and col. 7, lines 15-33).

As per claim 29, Dancs et al teaches of encrypting a device identifier within the electronic communication (email) that is associated with the input device (col. 9, lines 64-67 and col. 20, lines 28-37).

7. Claims 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ketcham, U.S. Patent 6,075,860.

As per claim 31, it is disclosed by Ketcham of a method for providing an authenticated (electrical/email) communication channel (col. 3, lines 13-15). A communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key

is extracted from the authentication card (col. 3, line 65 through col. 4, line 4).

The information is then authenticated (validated) based on the authentication (identification) key and information exchanges (electronic/email communication) is then permitted (col. 4, lines 7-15). Ketcham discloses one form of an input device through use of an authentication card that is placed in a card reader that is coupled to another input device, a remote terminal, that is used to establish a communication channel with a remote server (col. 3, line 65 through col. 4, line 1). Through use of the remote terminal, access is requested to the computer network (col. 8, lines 50-51). The examiner is interpreting the requested access to include a send request since access is requested by Ketcham.

As per claim 32, Ketcham teaches of an authentication card (input device comprising a portion of memory) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted (retrieved) from the authentication card (input device comprising a portion of memory)(col. 3, line 65 through col. 4, line 4). The information is then authenticated (comparison to determine if the input valid) based on the authentication (identification) key (col. 4, lines 7-11).

As per claim 33, Ketcham recites of a communication request is initiated at a remote terminal to establish (process) a communication channel with a network server (col. 3, lines 50-53). An authentication card (input device) is placed into the remote terminal and the mobile subscriber identifier and corresponding authentication (identification) key is extracted from the authentication card (col. 3, line 65 through col. 4, line 4). The information is then

authenticated (comparison to determine if the input verified) based on the authentication (identification) key (col. 4, lines 7-11). Figure 1 shows the authentication card (input device) connected to the terminal device by means of a port.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dancs et al, U.S. Patent 6,112,305 in view of Golan, U.S. Patent 5,974,549.

The teachings of Dancs et al disclose of establishing a communication channel. The teachings are silent in disclosing of quarantining electronic communication (email) upon determining that the input device is not valid and notifying a user. It is disclosed by Golan of executing in a secure mode in that every software component (email) is executed in a secure sandbox (quarantine)(col. 2, lines 19-25). When it is detected that a downloaded component (email) attempts to commit an action that breaches security (determined that the input device is not valid), the component's (email) execution is halted and a warning is issued to the user (col. 4, lines 58-61). It would have

been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to protect against malicious code from infecting a computer system. Golan recites motivation for the use of a secure sandbox (quarantine) by reciting that software components (email) can be executed in a secure sandbox (quarantine) and when the software (email) attempts an action that is a breach of a security policy, execution is halted (col. 2, lines 19-28) as a means of preventing such actions as information theft and leakage of sensitive data (col. 1, lines 29-34). The teachings of Dancs et al would have benefited from the disclosure of Golan as a means of prevention of an attack on sensitive data associated with a user.

***Allowable Subject Matter***

10. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DeTreville, U.S. Patent 6,609,199

Angelo et al, U.S. Patent 6,061,794

Rosen et al, U.S. Patent 5,020,105

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Revak  
AU 2131

  
11/23/04

CR



November 23, 2004